

SUPPORT FOR THE AMENDMENTS

Claims 1-20 were previously canceled.

Claim 32 is presently canceled.

Claims 21, 23-31, 34, and 35 have been amended.

Claims 40-42 have been added.

Support for the amendment of Claims 21, 23-31, 34, and 35 and the addition of new Claims 40-42 can be found in the specification as filed, for example at pages 5-47, as recognized by the Examiner on page 3, lines 4-10 of the Office Action mailed October 5, 2005. Additional support for the amendment of Claims 21, 23-31, 34, and 35 and the addition of new Claims 40-42 can be found in originally filed Claims 1-20.

No new matter has been added by the present amendments.

REMARKS

Claims 21-31 and 33-42 are pending in the present application.

At the outset, Applicants wish to thank Examiner Nguyen for the helpful and courteous discussion with their undersigned representative on December 12, 2005. During this discussion various arguments in traverse of the outstanding rejections and data to demonstrate the differences between the art and the present invention were discussed. The content of this discussion is reflected in the following comments. Reconsideration of the outstanding rejections is requested.

The rejection of Claims 21-23, 26, 28-29, 32-34, and 36-39 under 35 U.S.C. §102(b) over Tomita et al is obviated by amendment.

It is the Examiner's position that Tomita et al inherently disclose the presently claimed invention. The Examiner has indicated that this reference discloses the administration of busulfan to mice skin allograft recipients and further discloses that such administration suppresses rejection of the same (i.e. increases tolerance). Applicants have amended Claim 21 to define the specific scope of the term "substance" as at least one member selected from the group consisting of a N, N'-diacylcystine, N, N'-diacylcystine ester, L-S, R-buthionine sulfoximine, R-buthionine sulfoximine derivative and a maleic acid diester. Applicants submit that Tomita et al only pertains to busulfan and provides no further disclosure or suggestion of any other "substance" as functionally defined in Claim 21, much less those specifically defined compounds.

In view of the present amendment, Applicants submit that Tomita et al fail meet the standard for anticipation, because this reference fails to disclose all the limitations of the

presently claimed invention. Accordingly, Applicants request withdrawal of this ground of rejection.

The rejection of Claims 21-23 and 26-39 under 35 U.S.C. §112, first paragraph (enablement), is obviated by amendment.

Applicants make no statement with respect to the propriety of these grounds of rejection and in no way acquiesce to the same. Nonetheless, to expedite examination of the present application, Applicants have amended Claim 21 as set forth by the Examiner on page 3, lines 4-10 of the Office Action mailed October 5, 2005. Applicants note that as the Examiner indicates on page 3, lines 4 of the Office Action mailed October 5, 2005, the scope of Claim 21 as presently presented is fully enabled by the present specification.

As such, withdrawal of this ground of rejection is requested.

The rejection of Claims 21-23 and 26-39 under 35 U.S.C. §112, second paragraph, is obviated by amendment.

Applicants have amended Claim 21 to address the Examiner's specific point of criticism. Namely, Applicants have amended Claim 21 to ensure that a nexus between the step of administering and the subject to which the composition is to be administered.

In view of the amendments herein, Applicants request withdrawal of this ground of rejection.

The objection to Claims 24 and 25 as containing a duplicate phrase is obviated by the amendment herein. Claims 24 and 25 have been amended to delete the second occurrence of the phrase "the substance."

Withdrawal of this ground of objection is requested.

Accordingly, Applicants submit that the present application is now in condition for allowance. Early notification of such action is earnestly solicited.

Respectfully submitted,

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